

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSE LOPEZ-AISPURO,

Defendant.

8:09CR376

ORDER

This matter is before the court on the motion for an extension of time by defendant Jose Lopez-Aispuro (Lopez-Aispuro) (Filing No. 11). Lopez-Aispuro seeks a forty-five day extension of time in which to file pretrial motions. Lopez-Aispuro's counsel represents that Lopez-Aispuro will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Lopez-Aispuro's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Lopez-Aispuro's motion for an extension of time (Filing No. 11) is granted. Lopez-Aispuro is given until **on or before January 10, 2010**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 24, 2009 and January 10, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 24th day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge